

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

TIMOTHY JOSEPH CARROLL,

Plaintiff,

vs.

JERRY HAMIK, NRC Employee;

Defendant.

**8:20CV160**

**MEMORANDUM AND ORDER**

On June 21, 2021, the court granted Plaintiff thirty (30) days to file a second amended complaint in accordance with the court's April 29, 2021 Memorandum and Order. (Filing 14.) On June 28, 2021, Plaintiff filed the present "motion for 2nd ammended [sic] complaint." (Filing 15.) Plaintiff's motion consists of a statement of his claims against Defendant Jerry Hamik.

As the court had already given Plaintiff leave to file a second amended complaint, it is unclear why Plaintiff filed a "motion" to file a second amended complaint. Because he filed a motion, Plaintiff is required to comply with the court's local rules which provide that any party who moves for leave to amend a pleading must attach a copy of their proposed amended pleading to the motion to amend. NECivR 15.1(a). *See also* NEGenR 1.3(g) (pro se parties "are bound by and must comply with all local and federal procedural rules"). Plaintiff did not comply with this requirement. Moreover, Plaintiff's motion to amend does not comply with the court's April 29, 2021 Memorandum and Order which specifically directed Plaintiff to "restate the allegations of the current Amended Complaint (filings 1 & 7) and any new allegations. Plaintiff is warned that a second amended complaint will supersede, not supplement, his Amended Complaint—that is, **it must stand on its own.**" (Filing 10 at CM/ECF p. 6 (emphasis added).) Therefore, Plaintiff's motion to file a second amended complaint will be denied.

Plaintiff still has until July 21, 2021, to file a second amended complaint. Plaintiff is encouraged to use the enclosed civil complaint form for his second amended complaint and to be mindful of the court's warning that his second amended complaint will supersede, not supplement his Amended Complaint.

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion for second amended complaint (filing 15) is denied.
2. The clerk of the court is directed to send to Plaintiff a civil complaint form along with this Memorandum and Order.
3. Plaintiff has until **July 21, 2021**, to file a second amended complaint in accordance with the court's April 29, 2021 Memorandum and Order (filing 10). Failure to file a second amended complaint within the time allowed will result in the court dismissing this case without further notice to Plaintiff.

Dated this 1st day of July, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge